

REMARKS

The Office Action of March 31, 2008 has been carefully considered.

Claims 1-3, 5-7, 10 and 12 have been rejected under 35 USC 102(b) as anticipated by Nairn et al, and claims 4 and 9 have been rejected under 35 USC 102(a) as obvious over Nairn et al.

The claims have now been rewritten as new claims 17-31 in proper form for US practice. Claim 17 is directed to a functional insert for the neck of a receptacle, typically a glass or plastic bottle, comprising a body constructed and arranged for insertion into the neck, the body comprising a cylindrical wall supporting at least one flexible rib on an outer surface of the wall, for forming a sealed junction with the neck when the body is inserted into the neck, a functional element, and an adhesive supported on at least one of the rib and the outer surface. The adhesive selected to bond to the neck and has a consistency or viscosity such that the adhesive will only creep under a stress that compresses the adhesive between the rib and the body when, with the body inserted into the neck, the rib curls, the adhesive being present in a quantity such that the adhesive comes into contact with the neck so as to fix the body to the neck at an adhesive contact area and thereby prevents upward axial displacement of the body under axial stress.

Nairn et al discloses a closure seal provided with a functional insert (24) made of plastic and comprising a body to be inserted into the neck of a receptacle. The body has an exterior surface supporting at least one rib (102, 104, 106). The exterior surface (shoulder 36) is not a cylindrical wall as is presently claimed, but an annular, radially oriented wall. The ribs of Nairn et al (102, 104, 106) are axially oriented and it is very unlikely that they are flexible

because they have a short height/width ratio. As they are oriented axially, they do not curl when the insert is inserted into the neck; it is most likely that they contract or retract under the influence of the axial compression.

In Figs. 11 and 12 of Nairn et al, there is an adhesive (100) disposed between the upper edge (14) of the receptacle and the shoulder (36), alleged in the Office Action to be an exterior surface. At col. 5, l. 33-41, Nairn et al describes the process for obtaining the embodiments of Figs. 11 and 12:

First, the land surface 14 is covered with a layer of the sealing material 100, such as by being automatically or manually rolled on. A significant advantage of the present method is that the sealing material 100 is applied to the land surface 14 at a stage in the production/container filling process which is just prior to the assembly of the closure 10 and the container 12. Due to the 'fresh' nature of the sealing material, it retains its resiliency and deformability at the time when it is needed most, i.e., at the point of engagement between the land surface 14 and the opposing surface of the closure 10.

Thus, the adhesive is applied to the land surface of the receptacle just before the insertion of the functional insert into the neck. *The functional insert of Nairn et al does not comprise any adhesive supported on its flexible rib.*

To the contrary, according to the claimed invention, the functional insert comprises the adhesive, which is supported on the rib or on the outside surface of the cylindrical wall, thus preventing any contact, for example, with any other parts or with fingers. The adhesive is brought into contact with the inner wall of the neck only when the functional insert is introduced into the neck, causing the rib to be curled.

Consequently, at least three features of the presently claimed invention are not found in Nairn et al:

- the cylindrical wall supporting a rib;

- the flexible rib which curls when the functional insert is inserted into the neck; and

- an adhesive supported on the rib or on the cylindrical wall with a quantity such that it comes into contact with the neck when the functional insert is inserted into the neck.

Withdrawal of these rejections is requested.

Claims 1 and 11 have been rejected under 35 USC 103(a) over Hamilton in view of Nairn et al.

Hamilton is alleged to teach all elements of the invention except for a permanent adhesive applied to the ribs.

Hamilton discloses a functional insert, but teaches an adhesive coming into contact between the inner surface of the cylindrical wall of an outer pouring member and the external wall of the receptacle neck; the functional insert does not comprise any adhesive. Moreover, Hamilton does not disclose any flexible rib arranged to form a sealed junction with the neck of the receptacle. By combining Hamilton with Nairn et al, one of ordinary skill in the art would not arrive at the claimed invention, since Nairn et al does not teach adhesive supported by the ribs or by the cylindrical wall, or a flexible rib which curls.

Withdrawal of this rejection is requested.

Claim 8 has been rejected under 35 USC 103(a) over Nairn et al in view of Delgado.

Delgado has been cited to show polymer micro-spheres, but does not otherwise cure the defects of Nairn et al, as discussed in detail above, and withdrawal of this rejection is requested.

Claims 13-15 have been rejected under 35 USC 103(a) over Nairn et al in view of Fuchs.

Fuchs discloses a closure having a cylindrical wall supporting a flexible rib (integral lip 19) designed to form an appropriate seal engaging the inner surface of the neck of

the receptacle (neck or finish 11). There is no disclosure of any functional insert, and no disclosure of any adhesive supported on the rib or on the cylindrical wall with a quantity such that it comes into contact with the neck when the functional insert is inserted into the neck. The combination of Nairn et al with Fuchs does not therefore lead to the claimed invention and withdrawal of this rejection is requested.

In view of the foregoing amendments and remarks, Applicants submit that the present application is now in condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

Respectfully submitted,



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